

BLUMENTHAL, NORDREHAUG & BHOWMIK

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSUE TALAMANTEZ, an
individual on behalf of himself and
on behalf of all persons similarly
situated,

Plaintiff,

v.

THE WELLPOINT COMPANIES,
INC., an Indiana Corporation; and
Does 1 through 50, Inclusive,

Defendants

Case No. **12-CV-08058 RGK (JCx)**
(Class Action)

STIPULATION FOR RELIEF FROM
LOCAL RULE 23-3

Action Filed: August 3, 2012

Plaintiff Josue Talamantez ("Plaintiff") and Defendant The Wellpoint
Companies, Inc. ("Defendant"), by and through their respective undersigned counsel,
hereby stipulate, agree, and jointly request that the Court issue an order as follows:

1 WHEREAS, Plaintiff Talamantez ("Plaintiff") filed his class action Complaint
 2 ("Complaint") against Defendant on or about August 3, 2012 and served Defendant on
 3 August 20, 2012;

4 WHEREAS, on September 18, 2012, Defendant removed the action to the United
 5 States District Court for the Central District of California;

6 WHEREAS, Local Rule 23-3 requires Plaintiff to "within 90 days after service of
 7 a pleading purporting to commence a class action...file a motion for certification that the
 8 action is maintainable as a class action, unless otherwise ordered by the Court;"

9 WHEREAS, Plaintiff cannot move for class certification in advance of the Local
 10 Rule 23-3 deadline because discovery is stayed under Rule 26(f) and the motion cannot
 11 reasonably be completed within the Local Rule 23-3 deadline;

12 NOW, THEREFORE, Plaintiffs and Defendant, through their respective counsel
 13 of record, stipulate and request as follows:

14 Subject to Court approval the Parties agree that the automatic timing requirements
 15 of Local Rule 23-3 shall not apply in this case and, instead, pursuant to the "unless
 16 otherwise ordered" provision of Local Rule 23-3, a customized schedule for addressing
 17 a schedule for class certification in this case shall be addressed by the Parties at the early
 18 meeting of counsel in advance of the first status conference and be set as part of the
 19 initial scheduling order under Rule 16(b) of the Federal Rules of Civil Procedure.

20 **IT IS SO STIPULATED AND AGREED.**

21 DATED: October 2, 2012

BLUMENTHAL, NORDREHAUG &
 BHOWMIK

23 By: /s/ Aparajit Bhowmik
 24 Aparajit Bhowmik
 Attorneys for Plaintiff

25 DATED: October 2, 2012

SEYFARTH SHAW LLP

27 By: /s/ David Kadue
 28 David Kadue
 Attorneys for Defendant

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